

12.806 PROCESSING AND ACCESSING SEALED CONVICTION/NON-CONVICTION RECORDS

I. General Information:

- A. The Ohio Legislature has passed several statutes which provide the means for persons with conviction and non-conviction history to apply for court orders which require the expungement (for purposes of Ohio law, a "Sealing") of those conviction and non-conviction records and other related indexes.
- B. The several statutes indicated may be located in O.R.C. Chapter #2953.

II. Purpose:

- A. To outline methods of processing records and documents created in conjunction with conviction/non-conviction records requiring sealing in accordance with orders from the courts.
- B. To ensure compliance with the law in all such instances.
- C. To outline the types of sealed records maintained by Records Units and how each may be legally utilized by police officers.
- D. To centralize the authority and responsibility for maintaining and coordinating processing of sealed Cincinnati records with the Records Unit, Central Records Management Section.

III. Procedure:

- A. Accessing sealed conviction records.

1. General Information - Whenever a computer function of Q.H.W. is executed relative to an individual with a sealed conviction record, a message will appear indicating: For more information, contact the entering agency's Record Unit supervisor. This is an indication that some type of sealed record may be on file with the indicated agency.
2. Access Conditions
 - a. Access to and copies of sealed Ohio Conviction records can be obtained by any police officer under the following conditions:
 - 1) If the subject of the sealed record is under arrest or the officer intends to sign a warrant for the subject and; the officer wishes to determine if the defendant could be charged as a "Second Offender" on the basis of a previous offense which had been sealed.
 - a) NOTE: In a criminal proceeding under the above conditions, a sealed conviction record is admissible evidence of a "Second Offender" status.
 - 2) If an officer was personally involved in the sealed case, and is the subject of a civil action arising out of that case; the officer may then use the sealed record in his/her defense.

B. Accessing Sealed Ohio Non-Conviction Records.

1. General Information - Effective September 26, 1984 there will be no computerized or other index to sealed non-conviction records sealed after September 26, 1984, available to anyone other than Ohio agency records unit commander.
2. Access Conditions.
 - a. Any Cincinnati Police Officer may view the "Investigatory Work Product" portion of any sealed non-conviction record upon request to

the Records Unit Commander.

NOTE: According to the law, no person who is employed by the Cincinnati Police Division (with the exception of the Records Unit Commander) shall knowingly release, disseminate, or otherwise make any information contained in sealed non-conviction record jacket available to, or discuss any information contained in same, with any person not employed by the Division.

- b. Other law enforcement agencies, under certain conditions, may view certain Cincinnati sealed non-conviction records. Application must be made to the Records Unit Commander.
- c. Cincinnati Police Officers, under certain conditions, may be allowed to view the "Investigatory Work Product" portion of non-conviction records in the custody of other Ohio or non-Ohio police agencies. Application must be made to the records unit commander of that agency.

C. Processing and Coordinating Court Ordered Sealings:

- 1. General Information effective September 26, 1984, court sealing orders may require certain actions to be executed by affected Unit Commanders and individual police officers. In each case, the Records Unit Commander will forward to said Unit commanders a Form 17 outlining specific instructions as to what action has been ordered and, in some cases, if necessary for uniformity, the methods to employ.
- 2. Procedure

- a. Upon receipt of a court order to seal records, the Records Unit Commander shall:
 - 1) See that Records Unit Sealing processing is carried out according to existing Records Unit S.O.P.
 - 2) Notify affected Unit Commanders, via a Form 17 of the necessary action required and if appropriate, the methods to employ.
 - 3) Notify the appropriate court when sealing orders have been carried out.
- b. Upon receipt of an instructional Form 17 from the Records Unit Commander, indicating action to be taken as a result of a court ordered sealing, the Unit Commander shall:
 - 1) Carry out said instructions as soon as possible.
 - 2) Answer all questions posed.
 - 3) Sign all the Form 17s, along with the required indicated documents, through proper channels to the Records Unit Commander for sealing in special files.

Procedure 12.806 Index

This procedure appears in the main Procedure Manual Index in the following manner:

Page C-6

Conviction/Non-Conviction, Processing & Accessing	12.806
---	--------

Page P-5

Processing & Accessing Sealed Conviction/Non-Conviction Records	12.806
--	--------

Page R-2

RECORDS:

Processing & Assessing Sealed Conviction/ Non-Conviction Records	12.806
---	--------

Page S-1

Sealed Conviction/Non-Conviction Records, Processing & Accessing	12.806
---	--------